

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DARYL J. KOLLMAN,

Civ. No. 04-3106-CO
O R D E R

Plaintiff,

vs.

NATIONAL UNION FIRE INSURANCE
CO. OF PITTSBURGH, P.A., a
foreign corporation,

Defendant.

AIKEN, Judge:

Magistrate Judge Cooney filed his Findings and Recommendation on June 13, 2005. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

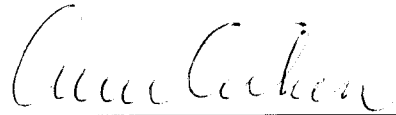
When a party objects to any portion of the Magistrate's Findings and Recommendation, the district court must make a de novo determination of that portion of the Magistrate's report. 28 U.S.C. § 636(b)(1)(B); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Defendant has timely filed objections. I have, therefore, given the file of this case a de novo review. I ADOPT the Magistrate's Findings and Recommendation (doc. 51) that

1 defendant's motion to dismiss or alternatively to stay (doc. 14)
2 is denied.

3 IT IS SO ORDERED.

4 Dated this 4th day of September 2005.

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9 Ann Aiken
United States District Judge